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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Reports submitted by States parties under article 9 of the Convention

Twenty-first to twenty-third periodic reports of States parties due in 2014

Argentina*

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Introduction

1. The combined twenty-first to twenty-third periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention), prepared in accordance with article 9 (1) of the Convention, contains detailed information on legislation, progress and concrete measures adopted by Argentina to ensure the full exercise and enjoyment of the rights recognized in that instrument. It covers the period between 2010 and 2015.

2. Background information on the political organization of Argentina and its general legal framework for the protection of human rights may be found in the updated core document which was submitted by Argentina in May 2014.

3. The report contains general information on implementation of the articles of the Convention and a detailed response to the observations and recommendations made by the Committee after consideration of the nineteenth and twentieth periodic reports.

4. Preparation of this report was coordinated by the Department of Human Rights of the Ministry of Foreign Affairs and Worship. Substantive contributions were made by the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) and the National Institute of Indigenous Affairs (INAI).

I. General

5. The public policies aimed at promoting cultural diversity have been a key part of the State's efforts to protect human rights. Such policies have been especially important during the past decade.

6. The Ministry of Justice and Human Rights is the State agency responsible for promoting public policies designed to protect, establish and guarantee human rights. INADI works within this Ministry to strengthen public policies for combating discrimination in all its forms.

7. In terms of domestic legislation, the Act on Discriminatory Actions (No. 23,592) was adopted in 1988 to further the State's effort to combat racism and discrimination. This Act provides the basis for combating different manifestations of discrimination in Argentina.

8. Argentina has fulfilled the commitment it made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001. Thus, it has carried out activities throughout the country to address the issue of discrimination, as reflected in a document entitled *Hacia un Plan Nacional contra la Discriminación en Argentina. Diagnóstico y Propuestas* (Towards a National Plan to Combat Discrimination in Argentina. Analysis and Proposals). The report was adopted by Decree No. 1086 in 2005, during the term of President Néstor Kirchner.

9. This decree was issued in the context of the State policies carried out between 2011 and 2013, relating to implementation of General Assembly resolution 66/154 on human rights and cultural diversity.

10. The decree charges INADI with the task of coordinating implementation of the proposals set forth in the aforementioned report. The report, which was published in 2005 (the same year as the decree), includes proposals for measures to be implemented in response to the analysis of discrimination and violation of rights suffered by different population groups throughout the country by different groups in society.

11. The main proposals refer to racial discrimination, especially the unequal treatment of indigenous peoples in regard to their languages, cultures and territories, as well as the long-standing invisibility of the Afro-Argentine population. Other important proposals address discrimination based on sexual orientation and gender identity.

12. Since 2005, many of the proposals have not only been implemented, but they have also been translated into law. A report entitled *10 años de Políticas Públicas para la inclusión y la igualdad* (Ten Years of Public Policies for Inclusion and Equality), issued by INADI and the National Directorate of the Official Registry, is a compilation of over 90 regulations, comprising a summary of the work done between 2003 and 2013 to extend rights and enhance democracy.

13. Recognizing the rights of groups that have suffered discrimination throughout their history entails including them in every sphere of life and promoting a plurality of voices in the public arena. INADI has furthered this process by organizing training workshops, seminars and awareness-raising activities; producing theoretical and audiovisual materials; coordinating activities with civil society and State agencies at different levels, and submitting proposals to the legislature.

14. One example of these efforts is the adoption of the Civil Marriage Act (No. 26,618), better known as the Marriage Equality Act, which provides the same civil right to marry for heterosexual and homosexual (gay, lesbian) couples. The Gender Identity Act (No. 26,743) establishes equal recognition of self-perceived gender identity; this has strong symbolic and political implications, inasmuch as it entails eliminating the definition of sexual diversity as a pathology and decriminalizing it.

15. The proposals contained in the National Plan concerning efforts to combat racial discrimination are being implemented through legal measures such as the National Education Act (No. 26,206); Act No. 26,160, on Emergency Measures relating to Possession and Ownership of Land for Indigenous Communities; Presidential Decree No. 1584/2010, changing the name of the 12 October holiday from *Día de la Raza* (Race Day) to *Día del Respeto a la Diversidad Cultural* (Respect for Cultural Diversity Day), and Act No. 26,852, which establishes 8 November as National Day of Afro-Argentine Peoples and Afro Culture.

16. The National Education Act stipulates that the Ministry of Education, Science and Technology, working in agreement with the Federal Education Council, shall promote and implement policies aimed at promoting equality in education, in order to address injustice, marginalization, stigmatization and other forms of discrimination arising from social and economic, cultural, geographic and ethnic factors, as well as gender and other factors that hinder the full exercise of the right to education (article 79). Chapter XI of the Act is devoted to bilingual intercultural education, so as to ensure full access to education and to enable the indigenous peoples to exercise their right to education in an intercultural context of respect for ethnic differences, especially in terms of the diversity of languages and cultures.

17. International Labour Organization (ILO) Convention 169, on Indigenous and Tribal Peoples, which was ratified by Act No. 24,071, enhances the rights of indigenous peoples, in terms of both their individual rights and their collective rights arising from their history and their culture. Act No. 26,160, of 2006, establishes emergency measures relating to possession and ownership of land for indigenous communities. This legislation deals with the right to ownership of lands belonging to the indigenous peoples of Argentina and provides for their insertion in society and in the economy, promoting access to information, training and self-management.

18. An important decree was issued which changes the name of the 12 October holiday. In 2007, INADI submitted a proposal for a bill to change the name of that date to American

Cultural Diversity Day. This meant eliminating commemoration of the conquest of the Americas and the process of cultural homogenization in which only European culture was considered valuable and instead allowing for study and appreciation of the immense variety of cultures that the indigenous peoples and persons of African descent have contributed and are contributing to construction of the country's intercultural identity. In 2010, thanks to the efforts of the indigenous peoples of Argentina, President Cristina Fernández de Kirchner signed Presidential Decree No. 1584/2010, whereby *Día de la Raza* (Race Day), 12 October, was changed to *Día del Respeto a la Diversidad Cultural* (Respect for Cultural Diversity Day). The purpose of the change is to promote awareness of history and encourage dialogue and appreciation for different cultures, bearing in mind that all cultures should be on an equal footing.

19. Finally, by Act No. 26,852, 8 November was designated National Day of Afro-Argentine Peoples and Afro Culture. This date was chosen to honour the memory of María Remedios del Valle, a woman of African descent who joined General Manuel Belgrano's army and fought during the wars of independence. The Act represents an effort to recognize and correct history so as to restore the symbolic and cultural legitimacy of the role played by persons of African descent in establishing the national identity of Argentine society.

Public policies on intercultural affairs

20. The rights inherent to interculturality cut across the different spheres of social life, and thus include the right to health, education, work, dignified housing, migration, sexual identity and self-perceived gender, all among the main aspects of full citizenship. From the legal standpoint, interculturality is the symbolic paradigm underlying measures to strengthen and protect the most basic human rights.

21. Since 2003, the State has promoted public policies based on the commitment to eliminate the remnants of a racist Sate and promote and take action to strengthen the paradigm of interculturality, in the conviction that cultural diversity is a fundamental aspect of the nation.

22. As noted earlier, INADI followed up on the process of recognizing rights that had been initiated by the executive branch by including in its own agenda the commitments undertaken by the State.

23. In 2010, the State launched the plan for the National Household Survey and National Population Census 2010. For the first time, the National Census included a question relating to persons of African background. INADI made a special effort to promote affirmative programmes which resulted, among other things, in the inclusion for the first time of the question regarding African ancestry. This was done in the context of a public policy aimed at raising awareness about persons of African descent and Afro-Argentine culture.

24. The latest census showed that there are 62,642 households in Argentina with at least one person of African descent and a total of 149,493 persons of African descent, amounting to 0.37 per cent of the country's population. The effort to raise awareness about persons of African descent has continued, raising the possibility that in future, there will be more people who self-identify as being of African descent.

25. The census showed that nearly one million inhabitants identify themselves as belonging to an indigenous people group, i.e., 955,032 persons, or 2.4 per cent of the total population.

26. The twentieth Meeting of High-Level Human Rights Authorities of MERCOSUR and Associated States was held on 30 November 2011 in Montevideo. A seminar on

children and adolescents of African descent which was held in connection with the meeting issued a declaration reaffirming the commitment undertaken at the World Conference against Racism, Xenophobia and Related Intolerance and urging member countries to adopt public policies aimed at that goal.

27. Combating discrimination in general and racism in particular is one of the main objectives of INADI, and the aforementioned text provides guidance for implementing public policies designed to achieve those objectives. Accordingly, one of the key tasks of INADI is to challenge conventional wisdom so as to deconstruct prejudices and stereotypes. This involves making a special effort to raise awareness and tear down cultural myths that tend to perpetuate racial discrimination in Argentina, such as the idea that there are no persons of African descent in Argentina or that Argentines all arrived by boat, or even the negative stereotypes such as "indigenous people have no culture".

28. The fundamental tools used by INADI to carry out its work are its training programmes in different parts of the country and the distribution of informational materials. Workshops, seminars and events are held to disseminate information and raise awareness about existing racist practices in order to promote respectful dialogue among groups that have different identities.

29. In 2011, INADI set up the Directorate for the Promotion and Development of Anti-Discrimination Practices in order to promote and implement actions that will make it possible to eliminate discriminatory behaviour. It does this by developing areas, programmes and projects to be implemented in coordination with relevant State agencies and with civil society.

30. The Directorate is made up of the Office of the Coordinator of Educational and Training Policies, the Office of the Coordinator of Inter-Agency Programmes and Projects and the Office of the Coordinator of Civil Society Networks.

31. In 2011, the Intercultural Affairs Area was set up within the Office of the Coordinator of Inter-Agency Programmes and Projects to promote and advocate for cultural diversity. This Area addresses the specific issues of racial discrimination against identity groups based on ethnicity, nationality, tradition, religion, language or territorial origin. To that end, it works to raise awareness regarding racist practices and speech, on the one hand, and on the other, to establish the paradigm of cultural diversity by creating opportunities for intercultural dialogue and celebration.

32. The programmes implemented by the Intercultural Affairs Area deal with the following subjects: indigenous peoples, persons of African descent, migrants, religious diversity, Jewish, Arab and Armenian communities, representative not only of their own groups but also of other cultural and social groups that suffer from discrimination based on their customs, religious beliefs, traditional celebrations, physical appearance, typical dress or other characteristics.

33. The Programme on Persons of African Descent against Discrimination, Xenophobia and Racism, which is carried out by the Directorate for the Promotion and Development of Anti-Discrimination Practices. Under this Programme, the State seeks to provide reparation for the long-standing grievances suffered by the community of African descent just as it has done for other peoples or communities whose rights have been denied, so as to strengthen their participation and influence in different spheres of government. Accordingly, INADI seeks to promote the culture and identity of the Afro-Argentine population and eliminate the prevailing stereotypes about persons of African descent.

34. On 9 October 2006, INADI set up the Forum of Persons of African Descent, thus providing an effective response to the commitment undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Through this

Forum, the community of African descent has found support for actions aimed at raising awareness about its issues.

35. The main objective of the Indigenous Peoples Programme is to raise awareness about discrimination based on cultural and ethnic identity by promoting respect and appreciation for the diversity of indigenous cultures and beliefs in both rural and urban areas, which enrich the national culture. The Programmes organizes training activities and workshops to promote intercultural appreciation for languages, festivities and customs. Educational institutions, in particular, have worked unceasingly and have succeeded in restoring indigenous cultures and validating the heritage of the students.

36. Both programmes are designed to generate public policies for combating racism and the denial of cultural heritage.

37. The following activities have been carried out in the context of those public policies:

Education

- September-October 2011. Teacher training workshops and, in secondary schools, on cultural diversity to raise awareness about discriminatory practices;
- September-December 2011. Talks to raise awareness about persons of African descent and their historical, cultural and social contribution to the Argentine identity. Series of talks in different institutions in the capital and in the province of Buenos Aires, for teachers and the general public;
- June-July-October 2012: Symposium to raise awareness about indigenous peoples;
- June-July-October 2013: Second Symposium to raise awareness about indigenous peoples: Indigenous identity and the cultures of Andean indigenous peoples.

38. Training on of 12 October, Respect for Cultural Diversity Day. During October of this year, many training activities were carried out in educational institutions so as to raise awareness about the issues of cultural diversity and discrimination.

39. In regard to education and cultural diversity, during 2012 and 2013, the Education Area of the Office of the Coordinator of Inter-Agency Programmes and Projects of the Directorate for Promotion and Development of Anti- Discrimination Practices of INADI promoted the revision of primary school manuals. The revision entailed reviewing the textual and photographic content of textbooks in order to see if they reflected stereotypes and prejudice and eliminating such content so as to prevent the propagation of racist behaviour in schools.

40. The Office of the Coordinator of Inter-Agency Programmes and Projects also deals with a number of other issues, including labour, health, gender, sexual diversity and disabilities. It addresses the issue of racism in those areas, promoting an intercultural paradigm for labour and health. It stresses the importance of dealing with the complex issues facing some groups that are doubly at risk; for example, women of African descent or migrant women are more exposed to discrimination.

41. The Office of the Coordinator of Educational and Training Policies of the Directorate for Promotion and Development of Anti- Discrimination Practices of INADI provides training throughout the country in educational institutions that request it. The training includes the subject of cultural diversity and human rights.

42. The Area has a programme entitled Trainer of Trainers, which works to sensitize and train teachers and professors in educational institutions. The Office of the Coordinator supervises cases of "probation", i.e., training requested by the judiciary. In cases in which the court concerned considers that the charges against a defendant have to do with

discrimination, INADI is one of the institutions responsible for implementing the penalties, since raising awareness about discriminatory social practices is vital to preventing repeat offences and promoting equal treatment for all. In recent years, there have been several cases of probation in which anti-Semitism was involved (Act No. 23,592, article 3).

Theoretical and audiovisual production

43. INADI has developed theoretical and audiovisual materials to be used as tools to encourage debate and provide supplementary information.

44. INADI has co-produced audiovisual materials in conjunction with the *Encuentro* channel, the signal used by the Ministry of Education. The production consists of several short films entitled *Igual de diferentes* (Equally different) which address issues such as cultural diversity. This programme (five short films) was launched for broadcast in April of this year.

45. Working in conjunction with the *Paka Paka* channel, the children's signal of the Ministry of Education, INADI has also co-produced an animated series entitled *Iguales y diferentes* (Equal and Different). The short programmes, aimed at children between the ages of 6 and 11, deal with a variety of subjects, focusing on integration and raising awareness about the rich experience to be found in all types of differences.

46. Publications on intercultural topics include the following:

- *Guía Somos Iguales y Diferentes* (Guidebook for *Somos Iguales y Diferentes*). There are two versions, one for students and one for teachers at the primary level. The publication consists of teaching materials to be used in schools to address the problem of discrimination and promote diversity as a value. It has been declared of interest by the Ministry of Education, as it is designed to educate on diversity and supplement national policies on equity and improvement of the quality of education from the early years onwards. The Guidebook for *Somos Iguales y Diferentes* for secondary-level students and teachers is currently being prepared;
- Report entitled *Derecho a la educación sin discriminación* (The Right to Education without Discrimination);
    - The report puts forward the view that education on and for human rights is essential in order to prevent discrimination and promote the right to equality of opportunity. In that regard, it stresses the public policies on education that have been in place since 2003, the common denominator of which is the view that education is an essential and inalienable right of all persons;
    - The idea is to reinforce the paradigm of inclusive education, with emphasis on the school environment, so as to identify and remove obstacles to learning and participation and find the best way to eliminate them and guarantee the right to learn on an equal footing with everyone else;
- Report entitled Migrantes y Discriminación (Migrants and Discrimination);
    - Published in 2012, this is a report on the rights of migrants in Argentina;
- Report on *Racismo, hacia un Argentina intercultural* (Racism, Towards an Intercultural Argentina);
    - This report discusses the theoretical aspects of racism and the public policies of cultural diversity that have been implemented since 2003;

- Book entitled *Y le contarás a tus hijos ... Testimonios de los/as sobrevivientes de la Shoá en Argentina* ("And you shall tell your children ... Testimonies of Shoah survivors in Argentina");

  - This is a compilation of testimonies of Holocaust survivors which is considered a key educational input in the fight against racism in Argentina. The book was first published in 2009 and reprinted in October 2012, when it was presented at a memorial and testimonial event organized by INADI. The book was also presented at several events held during 2013 in provincial delegations of INADI, in coordination with the chapters of the Delegation of Argentine Jewish Associations (DAIA) in those territories.

Events to promote cultural diversity

47. 2 February 2012 and 2013 - Celebration of Iemanjá Day. Iemanjá Day is one of the religious holidays recognized by the Argentine State because it is part of the heritage of the population of African descent and of Argentine culture in general. The celebration is a cultural event but also a religious one; the purpose of the event was to protect the spiritual legacy of persons of African descent, as well as of other followers of African religions.

48. 29 July 2011 - International Day of Afro-Latin American, Afro-Caribbean and Diaspora Women. The event, which was held at the Historical Museum of Provincia Bank, promoted reflection on and appreciation for the role of women of African descent throughout history. The activity featured a panel discussion by activist women belonging to the Afro-Argentine Movement and ended with a performance of Afro-Argentine *candombe* dancing.

49. 4 September 2011 - INADI participated in festivities for Immigrant Day at the National Migration Directorate. INADI disseminated materials on the rights of migrants and the concept of interculturality.

50. 16 to 19 November 2011. The Programme on People of African Descent participated in the twenty-first Encounter of People of African Descent, Ibero-American Encounter for International Year for People of African Descent, held in San Salvador de Bahia, as part of the Argentine delegation and representatives of civil society.

51. 23 August 2012. Presentation of the Round Table on Religious Diversity and Beliefs, as part of the Intercultural Affairs Area. This interreligious project aims to promote respect for religious and cultural diversity based on dialogue between followers of different religious groups. The event was held in the Manuel Belgrano auditorium of the Ministry of Foreign Affairs.

52. 8 and 9 November 2012. The Brazilian Embassy hosted the Argentine-Brazilian Seminar on dialogue and cooperation on policies to benefit persons of African descent: Education and work as keys for the affirmation of citizenship. Institutional support was provided by the Brazilian Secretariat for the Promotion of Racial Equality. The activity consisted of two days of discussions on best practices in public policies targeting this population, on the part of both States, and sharing of the knowledge and experiences of persons of African descent in the provinces.

Civil society

53. As regards consultations with civil society on the part of the State, INADI regularly maintains close contacts with civil society organizations.

54. Communication with civil society organizations was reinforced with the registry that INADI maintains in order to enable organizations to request institutional and/or economic sponsorship, assistance and training in areas related to their work.

55. The State agencies coordinate with each other and with civil society organizations to promote cultural diversity and combat racial discrimination. In December 2011, INADI promoted the creation of the Centre for Research, Development and Training in the Area of Cultural, Religious and Ethnic Diversity, which brings together the following organizations: the Armenian Cultural Association, the Delegation of Argentine Jewish Associations, the Islamic Centre of the Argentine Republic, Lanús University, the Higher Institute for Oversight of Public Management, the Office of the Inspector General of the Nation, the Secretariat for Religious Affairs and INADI. The main objective of this Centre is to promote research and development through joint efforts aimed at achieving commitment on these issues throughout the public sector. As the State agency with expertise on matters of discrimination and diversity, INADI has assumed responsibility for coordinating and monitoring the Centre's projects.

56. An example of the relationship between the State and civil society is the adoption of the aforementioned Act establishing 8 November as the National Day of Afro-Argentine Peoples and Afro Culture (No. 26,852). The legislation, which was enacted in April of this year, was proposed by a civil society organization, the Permanent Assembly of Afrodescendant Organizations of Argentina, and endorsed by INADI.

57. Another example of the joint efforts of the State and civil society is the contest entitled "María Remedios del Valle: Women of African Descent in Argentina". The competition, which was launched on 25 July of this year in observance of the International Day of Afro-Latin American, Afro-Caribbean and Diaspora Women, will conclude on 8 November, the first official day for celebration of Afro-Argentine culture. The best contributions on the subject will be selected and published in order to raise awareness about persons of African descent.

58. Finally, the Office of the Coordinator of Civil Society Networks, which is part of the Directorate for Promotion and Development of Anti-Discrimination Practices, promotes the implementation of local programmes on prevention of discriminatory practices and diversity in the different *comunas* of the Autonomous City of Buenos Aires. The idea is bring INADI closer to citizens by having representatives in every neighbourhoods. The communal representatives are responsible for providing information and organize sensitization workshops and other activities to disseminate information and promote diversity within the *comuna* concerned.

59. In December 2012, INADI signed its second Letter of Commitment with Citizens, an evaluation of the quality of public policies which is monitored by a programme of the National Directorate for Innovation in Management of the Chief of the Cabinet of Ministers. The Committee on Quality of INADI conducted a monitoring exercise in September of this year, and found, based on an analysis of results for the first half of the year, that INADI had met the relevant standards of quality.

60. In conjunction with Paka Paka Channel, the children's channel of the Ministry of Education, INADI produced the animated series *Iguales y diferentes*. The series consists of 13 programmes based on the children's guidelines for preventing discriminatory practices that was designed by INADI for children between the ages of 6 and 11. Each episode deals with different issues from the perspective of integration and raises awareness about the rich contributions made by the different cultures.

The Observatory on Discrimination in Radio and Television

61. The Observatory on Discrimination in Radio and Television was set up as an inter-agency organization comprised of the Audiovisual Communications Authority, INADI and the National Women's Council. This joint effort is based on proposal No. 208 in the document entitled *Plan Nacional contra la Discriminación* (National Plan to Combat Discrimination) which was adopted by Decree No. 1086/05, signed by then President Dr. Néstor Kirchner, in compliance with Argentina's international commitments. The objectives of the Observatory are to monitor and analyse the format and content of radio and television broadcasts that might include discriminatory material; to disseminate its conclusions on the analysis and generate opportunities for exchange with key personnel of audiovisual media and those responsible for content production; to encourage community participation in the development of alternatives for dealing with discrimination in audiovisual media; to offer advice on laws and guidelines on how to combat discrimination to persons involved in the development of radio and television programmes and advertisements; to raise awareness in universities and educational centres specializing in communications and advertising about the potential impact of discriminatory content on citizens so that such content will not be repeated; to respond to reports and complaints received at the Observatory in order to determine, after the corresponding study, whether the programme or advertisement in question does indeed contain discriminatory speech. The Observatory acts on its own initiative and/or in response to complaints brought by individuals, either to a member agency or directly to the Observatory. The Observatory then looks for the objectionable material and proceeds to observe it for further study and discussion of the content. Its conclusions are then reported publicly through its website. It also contacts the person requesting the investigation (should that be the case), the parties involved in the creation and dissemination of the objectionable content — a broadcaster, producer, actors, advertisers and/or advertising agency, among others — as well as the media and communications professionals in general. The Observatory provides an opportunity for the parties responsible to reply in writing, if they so desire, with their comments on the case, and publishes the replies on its website.

62. Finally, bearing in mind the Committee's concluding observations on indigenous peoples and persons of African descent, the appendix includes a description of the work done by the Observatory in regard to those groups in particular.

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II. Follow-up to the Committee's concluding observations

Paragraph 15 of the concluding observations

70. The situation with regard to the definition of racial discrimination as an offence is as follows:

- Racial discrimination was defined as an offence in the domestic legislation in 1988, by Act No. 23,592, which is known as the Act on Criminalization of Discriminatory Actions;
- In that Act, both persecution and racial hatred are defined as aggravating circumstances in cases of alleged criminal offences based on those motives (Act No. 23,592, article 2);
- Participation in racist organizations and propaganda, as well as incitement to persecution based on racial motives are specifically punished under criminal law (Act No. 23,592, article 3);
- Within the spectrum of behaviours that are prohibited under article 4 of the Convention, the only one that has not been criminalized under the domestic legislation is the provision of assistance for racist activities, including the financing thereof;

- In this regard, the Congress is considering a number of bills on amendment of Act No. 23,592 that would define the aforementioned actions as offences. Several of those bills have been promoted by INADI.

Paragraph 16 of the concluding observations

71. At present, Carlos Guillermo Haquim, Secretary General of the Office of the Ombudsman, holds the post of Ombudsman, pursuant to the authorization granted by the partisan blocs of the national Senate, as ratified by Resolution 1/2014 of the Joint Standing Committee on the Office of the Ombudsman of the Congress of the Nation.

Paragraph 17 of the concluding observations

72. INADI is taking the following actions to achieve effective coordination with other State agencies concerned with the protection of human rights:

- In conjunction with the Mental Health and Addictions Directorate of the Ministry of Health and other agencies and social organizations: Participation in the National Interministerial Commission on Mental Health and Addiction Policies, the Mental Health Board, and coordination of joint activities to raise awareness, train and empower users of the mental health systems;
- In conjunction with the National Electoral Directorate: Coordination of efforts to promote inclusive and accessible elections for users of mental health systems, persons with disabilities and transgender persons;
- In conjunction with the National Advisory Commission on Integration of Persons with Disabilities: participation in the Political Participation Group of the Commission's Observatory and other joint sensitization activities;
- In conjunction with the Human Rights Secretariat: coordination in the areas of mental health, interculturality and sexual diversity. Awareness-raising activities, training and production of materials;
- In conjunction with the National Programme on Comprehensive Health for Adolescents of the Ministry of Health: Sensitization workshops, seminars and training for health workers on the right of adolescents to health care;
- In conjunction with the Audiovisual Communications Authority: joint activities relating to discrimination in audiovisual communications media on subjects such as gender, mental health and disability, carried out in coordination with the INADI Observatory on Discrimination and different areas of the INADI Directorate for Promotion and Development of Anti-Discrimination Practices;
- In conjunction with the National AIDS Directorate of the Ministry of Health: steps to combat job discrimination against persons living with HIV/AIDS and other advocacy activities, production of materials and joint activities;
- In conjunction with the National Institute of Industrial Technology: training in the area of discrimination against persons with disabilities, throughout the national territory;
- In conjunction with the Secretariat on the Media: interpretation into Argentine Sign Language of speeches by the President on nationwide broadcasts;
- In conjunction with the Ministry of Labour, Employment and Social Security: work is underway in several areas to promote more inclusive employment practices in different spheres; participation in the Group of National State Agencies for the protection and promotion of the rights of the LGTBI population, which generates

joint actions among more than 30 national agencies in the area of sexual diversity; work related to HIV/AIDS, promotion of non-discriminatory and inclusive regulations for groups that have traditionally been vulnerable in training and employment programmes, among other joint efforts, including training, production of materials and awareness-raising activities;

- In conjunction with the Ministry of Education: coordination with EDUCAR (INADI educational library and INADI visits EDUCAR). Suggestions for teaching resources for classroom work with young people; coordination with the Office of the Under-Secretary for Equity and Quality of Education; collaboration on publication of the Federal Orientation Guidelines for intervention in complex situations relating to school life; implementation of the campaign against racism in the educational environment, to draw attention to the issue of racism in schools, raise awareness among the education community and generate a critical approach so as to eliminate discriminatory practices. The idea is to develop a set of tools so that the issue of racism will be addressed in the educational community. The target population will be secondary schools in the 24 divisions of the country, including schools for young people and adults (20,000). Progress is being made in the development of different lines of work, coordination of educational programmes in situations of confinement, production of materials and joint training activities;

- In conjunction with the National Institute of Technical Schools, the National Institute of Industrial Technology and the National Advisory Commission on Integration of Persons with Disabilities: coordination in connection with implementation of the social programme on technology and production for the development of assistive technology devices. The project promotes the construction of assistive technology devices for persons with disabilities in technical and vocational training centres in coordination with special education schools, such as wheelchairs, canes, crutches, tripods, walkers, induction loop systems and posture chairs to enhance learning and teaching by developing technological, production and social capacities for solidary and inclusive projects. The purpose of the project is to promote the construction of assistive devices in secondary technical schools and vocational training centres, so that low-income persons with disabilities who need assistance will have access to free technical assistance;

- In conjunction with the National Coordinating Committee for Actions to Develop Penalties to be Imposed in Cases of Gender Violence: participation in committees on obstetric violence and media violence. Drafting of recommendations, channelling of mechanisms for victim assistance, joint activities and production of materials;

- In conjunction with the Ministry of Defence: training activities for the armed forces, joint activities and preparation of materials.

Paragraph 18 of the concluding observations

73. The National Population and Housing Census 2010 includes a question that makes it possible to identify households in which at least one person belongs to or descends from an indigenous people group. Another question made it possible to count those persons who self-identify as belonging to or descending from indigenous peoples, for the first time in over one hundred years. This allowed for information to be gathered from statements made by all members of the household. The information obtained was published in October 2012.[1]

[1] www.indec.gob.ar.

74. The census shows that there are nearly one million inhabitants who self-identify as indigenous; the total number was 955,032, or 2.4 per cent of the total population.

75. The National Census also included, for the first time, a question designed to identify persons of African descent. In that regard, INADI made a serious effort to promote affirmative ideas, leading to the inclusion, for the first time, of the question about African descent. This was done in the context of the public policy aimed at raising awareness about persons of African descent and of Afro-Argentine culture.

76. The most recent census shows that there are 62,642 households in Argentina with at least one person of African descent, for a total of 149,493, or 0.3 per cent of the national population. Efforts to raise awareness about the presence of persons of African descent are ongoing and may eventually lead to more persons acknowledging their African identity.

Paragraph 19 of the concluding observations

77. Regarding intercultural education:

Pursuant to the National Education Act (Act No. 26,206), which was promulgated in 2009, INAI, the agency that promotes participation and consultation with the indigenous peoples, set up the Support Programme for Indigenous Education. With the help of intercultural tutors, the Programme carries out activities to promote, monitor, support and follow up on the provisions of the National Education Act in the indigenous communities.

78. Chapter XI, article 52, of Act No. 26,206 stipulates that:

The intercultural bilingual education provided in preschool, primary and secondary schools guarantees the right of indigenous children, enshrined in article 75 (17) of the National Constitution, to receive an education that helps to preserve and reinforce their cultural norms, language, worldview and ethnic identity, to play an active role in a multicultural world and to improve their quality of life. Intercultural bilingual education also fosters the mutually beneficial sharing of knowledge and values between the indigenous peoples and populations that are ethnically, linguistically and culturally different, and encourages recognition and respect for those differences.

79. Article 53 of the Act specifies that:

To promote the development of intercultural bilingual education, the State shall be responsible for:

(a) Creating mechanisms to provide for the ongoing participation of representatives of indigenous peoples in the agencies responsible for defining and evaluating intercultural bilingual education strategies;

(b) Guaranteeing the specific, initial and continuing training of teachers at the different levels of the system;

(c) Promoting research on the sociocultural and linguistic situation of the indigenous peoples, so as to allow for the design of curricula, relevant educational materials and educational management tools;

(d) Promoting the generation of institutional opportunities for indigenous peoples to participate in the planning and management of teaching and learning processes;

(e) Encouraging the construction of educational models and practices appropriate for the indigenous peoples that include their values, knowledge, language and other social and cultural features.

80. Article 54 of the Act provides that:

> The Ministry of Education, Science and Technology, in agreement with the Federal Education Council, shall define the contents of common curricula that promote respect for multiculturality and the knowledge of indigenous cultures in all schools throughout the country, so as to enable students to appreciate and understand cultural diversity as a positive attribute of our society.

Paragraph 20 of the concluding observations

81. On the matter of increasing the implementation of Act No. 26,160, calling for a territorial survey of indigenous communities:

- Act No. 26,160, calling for the survey and delineation of the lands and territories of all the indigenous communities in the country, was enacted in late 2006. This was essential in order to gradually achieve full recognition of the properties of indigenous communities in the country;
- From the beginning, the drafting of the Act involved consultations with and participation of the indigenous communities, through the Indigenous Participation Council. The indigenous communities participated at all stages and in all agencies involved in the survey of lands, including identification of communities to be surveyed, appointment of technical teams in every province and consultations to obtain their approval for the delineation of individual communities;
- In order to harmonize the two principles, INAI had to sign agreements with the provinces, in implementation of the policy of federalism in regard to the matters addressed in the relevant articles of the Constitution. In this context, opposing interests and differing criteria regarding time frames had to be reconciled, bearing in mind the differences in cultures, which made it a complex and interactive process;
- The national Government also promoted other laws and initiatives aimed at providing continuity and intensifying the process of recognizing the lands belonging to indigenous communities. Accordingly, Act No. 26,554 was passed to extend the application of Act No. 26,160 to 23 November 2013: in 2011, Act No. 26,737, of 2011 was adopted to establish the Regime for the protection of rural property in the public domain. This legislation envisages land as a non-renewable strategic asset, establishes limits on the amount of foreign capital allowed for land purchases and calls for the establishment of a Single Registry of Rural Properties, to provide strategic information for the national State and contribute to the process in question;
- Act No. 26,894 was passed to extend the application of articles 1, 2 and 3 of Act No. 26,160 to 20 November 2017.

Stages in implementation of the Act:

2009 to 2013

82. Once the application of Act No. 26,160 was extended, an effort was made to speed up the survey, and the agreements were updated by adding more accurate measurements so that the survey findings could be quantified and correlated with the transfer of funds, thus allowing for more comprehensive solutions to be found for the territories concerned.

83. After an evaluation had been made of the actions taken, any agreements that had not provided for active counterparts or that had produced only meagre results in the time elapsed were rescinded.

84. New agreements were promoted under which INAI played a more active role in setting up the operational technical teams. In addition, legal services were provided to reinforce the process of community organization and protect the people from eviction attempts. INAI also became involved in supporting provincial programmes aimed at normalizing indigenous ownership of publicly held land. In line with this effort, support was provided to provincial governments, and court decisions recognizing indigenous ownership and possession of lands were upheld. In a new political context, following the presidential elections of 2011, the land surveys were broadened to include 21 provinces. The last provinces to sign agreements with INAI were Neuquén and Formosa. During this period, the provinces mentioned by the Committee in paragraph 20 of its concluding observations, i.e., Salta, Formosa, Jujuy, Tucumán, Chaco and Neuquén, were included.

85. Act No. 26,160, as extended, is now being implemented in every province of the national territory.

2013 to 2017

86. Bearing in mind that the Act has been extended and is being implemented with the agreement of all the provinces that have indigenous populations, it is expected that significant progress will be made in surveying more communities. Thus, field work, technical training, support for operational technical teams, provisions for the teams and other tasks have continued.

87. Bearing in mind that the Committee has taken note of the adoption of Act No. 26,160 and its extensions and has called for intensified efforts to be made to implement the relevant public policy, it should be noted that under the Community Strengthening Programme created by INAI Decision No. 235/2004, support is provided, in particular, to indigenous organizations and communities where there are disputes in regard to the lands over which they have traditionally held ownership.

88. The purpose of this programme is to strengthen the ability of organizations and communities to protect their community lands by creating conditions that will enable them to legally demonstrate their present, traditional and public ownership.

89. The Community Strengthening Programme was created by INAI to subsidize indigenous organizations and communities so as to enable them to cover the expenses involved in providing professional services relating to:

- Lawsuits and legal defence;
- Legal counsel;
- Application and registration of survey results.

90. All these actions are aimed at consolidating ownership of lands occupied by the indigenous communities and ensuring community ownership in accordance with the relevant provisions of the National Constitution.

91. Thus, for the first time in the history of the Argentine State, a national strategy has been designed and implemented with the aim of protecting the indigenous communities. The policy decision to support the indigenous peoples and ensure respect for and recognition of their rights and the change within the State itself have led it to include in its agenda an issue that had not been given priority in the past.

92. Since the adoption of Act No. 26,160, several projects have been carried out for the benefit of organizations and communities listed in the appendix.

93. As regards the alignment of the National Registry of Indigenous Communities with provincial registries, under the federal system and the powers associated with it, INAI has

signed agreements with the provincial governments of Salta, Jujuy, Río Negro and Neuquén, with a view to aligning the requirements for the registration, recognition and specification of the legal status of indigenous communities in those provinces, pursuant to the National Constitution and to Decision No. 4811/96 of the former Secretariat for Social Development. All properties registered in the context of those agreements with the competent provincial agencies have exactly the same characteristics, scope and legal status as those entered in the National Registry of Indigenous Communities of INAI, given that they constitute recognition of both the provincial and the national spheres.

94. Under the aforementioned agreements, the National Registry has taken steps to compile the necessary documents to proceed with the incorporation in the National Registry of Indigenous Communities of the communities that are included in the registries of the aforementioned provinces.

95. INAI has also signed an agreement to cooperate with the government of La Pampa Province which provides for coordination of actions aimed at facilitating administrative procedures for the indigenous communities in the province that request registration of their legal status in the National Registry of Indigenous Communities.

Paragraph 21 of the concluding observations

96. Regarding the recommendation to increase effective use of free legal advice services (*guardia jurídica gratuita*), the State has promoted, designed and provided support for implementation of permanent legal services and legal assistance projects aimed at providing legal advice and representation for indigenous communities and organizations to protect their lands. Access to justice for the indigenous communities has been promoted through agreements with the provinces in order to regularize registration of the lands they occupy. Twenty-three projects have been implemented during 2013 to improve the communities' access to the courts in 11 provinces, for a total of 358 indigenous communities.

97. With respect to this observation, it may be helpful to include some information on the role of the Victims Assistance Directorate of INADI.

The duties of INADI

98. INADI receives complaints about discrimination and provides assistance to persons who have suffered discrimination. Complaints are received about all types of discrimination on any basis (ethnicity, nationality, religion, sex and so forth) and in any situation (workplace, education, health and others). Assistance to persons who have been discriminated consists fundamentally of counselling and free legal advice. INADI is not empowered to punish or to act in the role of law enforcement, but rather it is mainly a consultative and advisory agency. Thus, it cannot require the cessation of discriminatory behaviour nor make reparation for damages caused nor punish those responsible. Such measures fall within the domain of the judiciary.

99. Free legal services. Act No. 24,515, establishing INADI, provides that INADI shall provide free legal services and, at the request of the party concerned, initiate judicial or administrative proceedings on matters under its jurisdiction. However, this has only been done on a few occasions, mostly in response to especially serious situations and not as a matter of policy. In recent years, however, an effort has been made to establish a stable framework for these services so as to enable the agency to perform this task responsibly. To that end, the Chief Public Defender, Dr. Stella Maris Martínez, and the government-appointed Overseer of INADI, Pedro Mouratian, signed an agreement to guarantee protection for the rights of persons who suffer discrimination, promote the application of international norms and set up mechanisms for joint activities or technical assistance. The

agreement provides for collaboration between the two agencies so as to provide free assistance and legal services for persons who are vulnerable and for victims of discrimination (e.g., victims of discrimination based on institutional violence, gender violence, xenophobia, cultural diversity, disabilities and violations of economic, social and cultural rights).

100. During the first two years, the assistance will be provided as a pilot litigation experiment in strategically selected cases of discrimination. To that end, a bipartite committee of representatives of the two institutions was set up to evaluate requests for assistance from victims of discrimination who are in a vulnerable situation. In the cases selected, free legal aid will be provided by members of the Public Defence Service.

Information and accessibility of the services of the Victims Assistance Directorate for indigenous populations

101. The Committee recommends that the State party increase its efforts to ensure that indigenous communities make effective use of free legal advice services (*guardia jurídica gratuita*) and take steps to ensure that such services are accessible to the population as a whole. In that regard, in addition to remote consultation and advisory systems, there is the option of lodging complaints by post. INADI has delegations in all the provinces, and over the last year, the website (www.inadi.gov.ar) was made available in the Guaraní and Qheshwa languages. Full information on how to lodge complaints is provided on the website.

102. The availability of assistance and advisory services is publicized among the indigenous population by the different delegations throughout the country. For example, INADI participated in the congress on indigenous constitutional law that was held in Chaco in April 2013, in the meeting of indigenous parliamentarians (Chaco, May 2013), a workshop on the Mapuche language and culture (La Rioja, October 2013), a symposium on indigenous rights (Santa Cruz, November 2013) and a meeting of indigenous youth (September 2013), among others. All of these activities were also used to raise awareness and inform indigenous communities about their rights and the role of INADI.

Paragraph 23 of the concluding observations

103. The national Government, acting through INAI, is responsible for promoting the participation of the indigenous population in the design and implementation of public policy. The participation of indigenous peoples and their organizations in public policies that concern them is aimed at ensuring the rights of indigenous peoples and their inclusion in national and provincial programmes that deal with universal issues in specific ways.

104. In 2008, the President of INAI issued Decision No. 624/08, laying down in greater detail the duties of the Council on Indigenous Participation. Subsequently, on 23 March 2011, as the representative body grew and in order to move ahead with strengthening the level of indigenous representation on the Council, INAI issued Decision No. 113/2011, on regulations for the Council's work, which was drafted jointly with the members of the Council. The decision states that the Council on Indigenous Participation is designed to promote participation by the communities of indigenous peoples living in Argentina.

105. In addition to the aforementioned regulations, the Council on Indigenous Participation is entrusted with the mandate laid down in article 75 (17) of the Constitution and ILO Convention 169, which was ratified by Act No. 24,071.

106. The Council on Indigenous Participation has the following duties:

(i) To promote the participation of the indigenous communities in the National Programme on the Territorial Survey of Indigenous Communities;

(ii) To provide support for communities in connection with the development of participatory projects on development of identity;

(iii) To strengthen the capacity of indigenous communities to organize and register their legal status.

107. All the aspects of territoriality are stressed in order to ensure that public policies on indigenous affairs are designed, implemented and evaluated in a comprehensive manner, with due regard for territorial issues, so as to promote appreciation for the communities' experiences and capacities, giving priority to the sociocultural characteristics of each community and optimizing and enhancing their resources.

108. The Council on Indigenous Participation is made up of two locally elected representatives of a given people group within the jurisdiction of each province (except as mentioned in article 4 of the regulations), in accordance with their traditional customs. It functions primarily as a group, based on the ancestral values of the communities involved. No individual member or partial group may claim to represent the Council.

109. Representatives on the Council are elected at community assemblies. INAI convenes all communities to the meeting (in coordination with the territorial organizations of indigenous peoples and the competent provincial agency) and participates as monitor. To convene the meeting, INAI requests the National Registry of Indigenous Communities and the competent provincial agencies to provide a list of registered communities. It also requests the Territorial Survey of Indigenous Communities to provide lists of existing communities that have not yet been registered.

110. The assemblies that elect representatives on the Council must respect the mechanisms used by each indigenous group to elect its representatives. The assembly decides whether or not to include communities not registered at the national or provincial level that have been convened by INAI. Only the highest authority of each community is empowered to elect representatives to the Council. The elected representatives serve terms of three years from the date noted in the record of the election.

111. The Council on Indigenous Participation is made up of 122 representatives of indigenous communities throughout the country. In 2013, INAI convened seven assemblies to elect representatives. A total of 175 communities were convened, representing a participation rate of 84 per cent, thus confirming the legitimacy of the representatives chosen by community authorities.

112. Between 2011 and 2013, 53 assemblies were held; 1,394 indigenous communities had been convened. The participation rate was approximately 90 per cent.

113. To enhance the operational aspect of the Council's work and its coordination with INAI, and pursuant to article 2 of Decision No. 113/11, a National Coordinating Board has been set up, consisting of 25 representatives who change every year. The Board is made up of 10 members from the north-western region, five from the central region, five from the southern region and five from the north-eastern region.

114. In 2013, the National Coordinating Board of the Council held eight meetings, with an attendance rate of approximately 74.3 per cent. As a result of its discussions, it set up six working committees made up of indigenous representatives from the four regions, as follows:

(i) Oversight Committee on the Territorial Survey of Indigenous Communities Central, legal status, restoration of remains and National Registry of Indigenous Peoples Organizations;

(ii) Infrastructure Committee (health, education, housing, social action, cooperatives, survey of living conditions);

(iii) Committee on Communication and Trafficking in Persons;

(iv) Committee on Amendment of the Civil and Commercial Code, law on implementation of community property, act on consultation and participation, Act No. 23,302;

(v) Committee on Territorial Disputes;

(vi) Political Committee.

115. The Political Committee of the National Coordinating Board met three times in 2013.

116. In addition to the National Coordinating Board and the committees, article 2.2 of INAI Decision No. 113 lists other opportunities for dialogue through which the Council on Indigenous Participation may reach consensus, namely, provincial, regional and national meetings, as well as extraordinary meetings.

117. The sixth National Encounter of the Council on Indigenous Participation and three provincial meetings, one each in Salta, Neuquén and Jujuy, were held in 2013.

118. In the context of Decree No. 791/2012, INAI set up assemblies of representatives of the Council on Indigenous Participation for the purpose of electing one delegate per people group to the Coordinating Council. The representatives elected delegates, achieving a participation rate of 81.5 per cent. A group of 33 delegates were chosen for the Coordinating Council.

119. The Council on Indigenous Participation was involved in the following activities:

1. Territorial Survey of Indigenous Communities

120. With the adoption of Act No. 26,160 and its extensions, work began on fulfilling the obligation established in ILO Convention 169, article 14 (2) of which provides that "Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession."

121. Decree No. 1122/2007 stipulates that INAI shall approve such programmes as may be necessary to successfully conduct technical and legal title surveys of land occupied by the indigenous communities of the country, as a basis for ensuring recognition, in accordance with the Constitution, of communal possession and ownership. Those programmes shall uphold each indigenous group's worldview and cultural patterns and ensure that the Council on Indigenous Participation is involved in their design and execution in order to protect the indigenous peoples' constitutional right to participate in the management of matters that affect them.

122. In recent decades, the indigenous peoples have become increasingly aware of their identity. At the same time, their rights have been recognized in an increasing number of constitutional and legislative texts.

123. Bearing in mind that the process is intended to strengthen the organization of peoples and their communities, INAI considers it fundamental that the Council on Indigenous Participation should play a leading role in establishing guidelines for the survey in order to ensure that it fulfils the aspirations and meets the needs of each indigenous people group.

124. In compliance with Act No. 26,160, INAI is making progress in the following areas:

- Recognizing community possession and ownership of lands they have traditionally occupied;

- Involving indigenous peoples — through the Council on Indigenous Participation — in the implementation, monitoring and evaluation of the programme;
- Promoting indigenous participation — through the Council on Indigenous Participation — in designing, implementing and monitoring projects related to the programme;
- Promoting legal recognition of the rights of indigenous communities to territories and resources;
- Preventing evictions from communal territories traditionally occupied by the indigenous peoples.

2. *Indigenous Communal Property*

125. Decree No. 700/2010 was issued to expedite regularization of ownership of indigenous communal lands. The preamble to the decree states that implementation of indigenous property provisions shall be the culmination of the effort begun by the indigenous communities and peoples of the country to seek the historical reparation which Argentina promised to provide when it recognized the ethnic and cultural pre-existence and communal possession and ownership of the territories they traditionally occupy, which are being demarcated and delineated in the context of Acts No. 26,160 and No. 26,554.

126. The aforementioned decree created the Commission for the Analysis and Implementation of Indigenous Community Property Provisions, which was made up of representatives of the national Government, the provincial governments nominated by the highest authorities of the indigenous peoples proposed by indigenous territorial organizations and the Council on Indigenous Participation.

127. The Commission for the Analysis and Implementation of Indigenous Community Property achieved its main goal when it submitted to the national Government a detailed proposal for ensuring compliance with the constitutional guarantee of recognition of indigenous possession and ownership of land.

3. *Amendment, updating and unification of the civil and commercial codes*

128. Discussions were held during 2012 on the amendment, updating and unification of the civil and commercial codes, thus developing a new set of rules to govern daily life. This legislation recognizes the system of community ownership of the indigenous peoples. Some 431 indigenous representatives participated in the public hearings held around the country.

129. The national Government took the initiative in amending the rules on indigenous community property in the unified code, bearing in mind the following:

(i) National Act No. 26,160/265.54, which halted a number of evictions through judicial intervention, leading to the creation of free legal services in support of the communities in dispute;

(ii) The establishment of the Council on Indigenous Participation and recognition of the National Encounter of Territorial Organizations of Indigenous Peoples as settings for participation;

(iii) The call, through Decree No. 700/2010, to set up the Commission for the Analysis and Implementation of Indigenous Communal Property Provisions;

(iv) The enactment of Act No. 26,737, on the regime for the protection of national control over the ownership, possession or tenure of rural lands.

130. At a meeting held in Tucumán in September 2012, the National Coordinating Board of the Council on Indigenous Participation issued a public statement stressing the need to

update the code, given the importance of ensuring the inclusion of indigenous peoples and communities, their incorporation as subjects of law, recognition of a multicultural approach and prior consultation. The National Coordinating Board of the Council on Indigenous Participation stressed the challenges presented by this project, namely:

- A new law on implementation of indigenous community property;
- A law on indigenous consultation and participation;
- Updating of special Act No. 23,302;
- Enactment and adjustment of relevant provincial laws.

131. At the end of its statement, the Board proposed a text for the preliminary bill on indigenous issues.

132. Coordination between the Council on Indigenous Participation and State agencies:

133. INAI entered into agreements with national and provincial agencies to encourage coordination of strategies, mutual collaboration and joint work, with a view to achieving comprehensive development of communities in regard to training, infrastructure improvement, resources, increased access and participation in matters concerning indigenous peoples.

(i) From that standpoint, a framework agreement was reached on coordinated action by INAI and the National Institute of Agricultural Technology, with indigenous participation. The agreement provides for technical cooperation activities designed to promote the development of rural territories of indigenous communities based on intercultural dialogue, in order to make it possible to adapt the strategies to the diversity of cultures;

(ii) INAI signed a cooperation agreement with the Secretariat of Culture with the aim of promoting recognition and strengthening of indigenous cultures. The agreement was signed in the context of the fifth National Encounter of the Council on Indigenous Participation, which was held at the Horco Molle university residence from 8 to 12 July 2012. In addition, two supplementary agreements were signed, one on the Puntos de Cultura (Points of Culture) Programme and the other on training in indigenous communities;

(iii) The core line of action of INAI is to develop communications among the indigenous peoples, as provided for in Act No. 26,522, on Audiovisual Communications Services. Thus, INAI provides support for implementation of the Act by raising awareness about access to ownership, administration and operation of communications media and new technologies on the part of indigenous peoples;

- The Federal Audiovisual Communications Authority and INAI have signed a framework agreement on cooperation and collaboration in the area of audiovisual communications in Tucumán to facilitate the installation of audiovisual communications services in indigenous communities and to promote the production of content emphasizing appreciation for and restoration of cultures and languages and all matters pertaining to intercultural education;
- The Communication with Identity Area of INAI coordinates with the Federal Audiovisual Communications Authority to manage authorizations, set up training programmes for indigenous communicators, monitor broadcast stations and carry out other activities designed to strengthen the indigenous peoples.

(iv) INAI and the System of Information, Monitoring and Evaluation of Social Programmes signed a cooperation agreement on implementation of a survey of living conditions of indigenous groups, families and communities. The two agencies worked together to develop two data-collection tools, one for individual communities and another for families or groups of people living together. In order to fine-tune the tools, four tests were conducted in four communities in different provinces. The survey was developed with indigenous participation, and its scope was determined at the different provincial and national meetings organized by INAI. The Council on Indigenous Participation is also expected to participate in carrying out the surveys.

Paragraph 24 of the concluding observations

Perception of persons of African descent in Argentina

134. According to the 2010 Census, 149,493 persons self-identify as being of African descent. Ninety-two per cent of this population was born in Argentina.[2]

135. The Discrimination Map involved carrying out consultations about perceptions regarding persons of African descent. The following figure shows a slightly higher prevalence of negative associations.

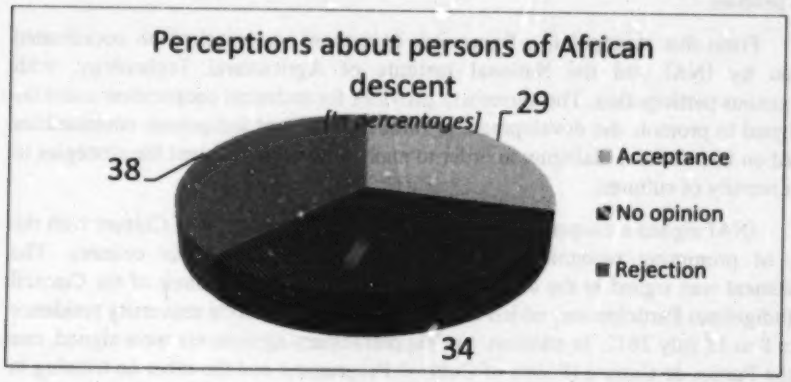

Figure 9.17 - INADI database 2013. All persons surveyed.

136. Nationally, 3 per cent of the population responded spontaneously that persons of African descent are the most discriminated group.

[2] National Census of Population, Households and Dwellings 2010. Bicentenary Census.

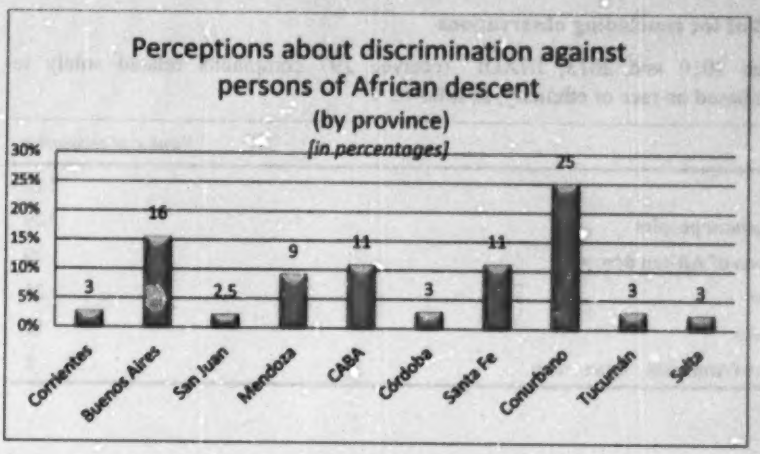

Figure 9.18 - INADI database 2013. All persons surveyed.

137. The distribution of this perception at the provincial level coincides with the data from the 2010 Census, which shows that most persons of African descent live in the province of Buenos Aires, the area surrounding Buenos Aires and the City of Buenos Aires, which has the highest levels of perceptions. The next highest, as shown in the 2010 Census, are the provinces of Santa Fe, Córdoba, Mendoza and Salta. In this case, the perceptions surveyed also coincide; the data for the province of Mendoza are especially significant.

138. Nationwide, the highest level of perceptions regarding discrimination against persons of African descent is in the city of La Plata, where it is almost 10 percentage points higher than the national average. In recent years, a group of persons from Senegal settled in the city. The high visibility of Senegalese nationals in the city of La Plata probably explains the perceptions regarding discrimination against persons of African descent.

139. Twenty-four per cent of males surveyed in La Plata stated that in Argentina there is a high level of discrimination against persons of African descent, while the percentage rose to 33.4 per cent among females surveyed. When age is taken into account, 41.5 per cent of respondents between the ages of 18 and 29 said that there was a high level of discrimination against persons of African descent; the percentage decreased among persons in higher age groups, to 11.5 per cent among those aged 60 to 74.

140. The twentieth meeting of High-Level Human Rights Authorities of Mercosur (30 November 2011, Montevideo) issued the Declaration of the Seminar on Children of African Descent. An overlooked reality. The Declaration reaffirms the commitment undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban and urges member countries to adopt public policies on the matter.

141. Finally, Act No. 26,852, declaring 8 November as National Day of Persons of African Descent and African Culture, was adopted recently. The date for this step towards raising awareness about the culture of persons of African descent was chosen to honour the memory of María Remedios del Valle, a woman of African descent who joined the army of General Manuel Belgrano and fought during the wars of independence. This new law calls for recognition and historical reparation to restore the symbolic and cultural legitimacy of persons of African descent who were involved in constructing the national identity of Argentine society.

Paragraph 25 of the concluding observations

142. Between 2010 and 2013, INADI [3] received 297 complaints related solely to discrimination based on race or ethnicity, as follows:

Reason	*Number of complaints*
Ethnicity: Jews	116
Ethnicity: Indigenous peoples	109
Ethnicity: Persons of African descent	29
Ethnicity: Arabs	25
Ethnicity: Gypsies	10
Ethnicity: Others (Armenian, Asian, etc.)	8

[3] This information only refers only to complaints received by INADI, inasmuch as there are no data on complaints lodged solely with the courts or other public or private agencies.

Areas of complaint

Area	*Number of complaints*
Neighbourhood/Public roads/Private relationships	112
Communications media	64
Employment	34
Commercial	27
Education	23
Public administration	14
Health	11
Justice	4
Conflicts related to housing/Land	3
Social security	2
Transport	2
Family	1

Decisions handed down in regard to racial discrimination

143. The appendix includes summaries of decisions handed down between 2010 and 2013.

Jurisprudence related to racial discrimination

144. The appendix includes summaries of certain court cases involving issues of racism. In that regard, it is worthwhile to reiterate some of the information provided in previous reports regarding the structure and scope of Argentina's anti-discrimination legislation.

145. Act No. 23,592, on Criminalization of Discriminatory Actions (adopted on 3 August 1988, promulgated on 23 August 1988) establishes civil penalties for behaviours described in article 1. The Act provides for compensation for moral and material damages, without prejudice to an injunction being issued.

146. Article 3 of Act No. 23,592 defines offences related to incitement of persecution or hatred based on race, religion, nationality or political ideology. Such offences are punishable with imprisonment of from one to three years.

147. On the matter of criminal penalties, article 2 of the Act establishes a generic aggravating circumstance (increasing the minimum penalty by one third and the maximum penalty by half in criminal cases) which is applicable to all offences punished by the Criminal Code[4] or by supplementary legislation when the crime involves persecution or hatred of a race, religion or nationality, or aims to destroy wholly or partly a national, ethnic, racial or religious group. As noted below in the summary of jurisprudence, this aggravating circumstance is usually invoked when the offence involves malicious insults (article 109 of the Criminal Code) or threats (article 149 bis of the Criminal Code).

148. Article 6 of Act No. 23,592 provides for a fine of 500 to 1,000 Argentine pesos to be imposed on an owner, organizer or person responsible for premises that are open to the public who fails to comply with the obligation to post, at the entrance to the facility, the text

[4] The Criminal Code also establishes an aggravating circumstance with respect to homicide, in article 80 (4), ("racial or religious hatred").

of the constitutional rule establishing the principle of equality, as well as notification that the police authority or civil court that is on duty has the obligation to receive complaints of discrimination. As of this date, no penalties have been applied under this provision.

149. A brief compilation of the decisions handed down is included in the appendix, including jurisprudence in the civil, labour and criminal spheres.

Paragraph 26 of the concluding observations

150. Regarding the need for specific rules to promote consultations to obtain the consent of the indigenous population when public policies are implemented that affect their habitat, the State is taking the necessary steps to set up mechanisms for arranging for consultations, procedures and consensus-building on different proposals, all in close coordination with the legislature.

151. No law has been enacted yet to lay down regulations on the right to consultation and participation of communities in matters that affect their interests, as provided in the National Constitution and in ILO Convention No. 169; however, INAI set up the Indigenous Rights Directorate (Decree No. 702/2010) to promote greater participation by indigenous peoples in the design and implementation of public policies affecting them and to provide the tools necessary to ensure the full exercise of their rights.

152. In addition, by its Decision No. 1119/2010, the Federal Education Council recognized the Autonomous Indigenous Peoples Education Council as a consultative and advisory body before the Ministry of Education.

153. Progress has been made in regard to the adoption of best practices, such as consultations and participation the process of adopting national legislation. Act No. 26,206, on National Education, establishes bilingual intercultural education. Act No. 26,522, on Audiovisual Communications Services, recognizes the indigenous peoples as subjects of non-State public law, guarantees their access to their own communications media (reserving radio and television frequencies and use of their own languages) and provides that indigenous peoples shall be represented on the Federal Communications Council, as proposed by a group of indigenous organizations led by Communications with Identity.

154. At the national level, the Unit for Rural Change of the Ministry of Agriculture has implemented the right to consultation and participation by establishing guidelines and procedures for indigenous peoples (2012). These guidelines provide the conceptual and operational framework for all rural development programmes and projects which involve indigenous peoples as subjects of law or which affect them, providing for the implementation of mechanisms to ensure their effective participation and consultation, recognizing the indigenous peoples as productive actors, subjects of law and recipients of public investment in infrastructure and services for production.

155. With regard to the participation of communities in the administration of mines, the province of Jujuy issued Decree No. 5772-P/2010, providing for communities in the area covered by a mining enterprise application to participate on three occasions before the environmental impact report is adopted. The participating communities shall be those that hold title to their land or whose cases are in the process of georeferencing or surveying, as well as those whose territories have been identified by the Secretariat for Human Rights as being within the project area.

156. The Civil and Commercial Code, which was adopted by Act No. 26,994, recognizes the right of indigenous communities to communal possession and ownership of the lands they have traditionally occupied, as well as such other lands as are suitable and sufficient for human development (article 18). The Code includes a transitory provision (article 9) providing that the rights of indigenous peoples, in particular, communal ownership of lands

they have traditionally occupied and such other lands as are suitable and sufficient for human development, shall be the subject of a special law. Accordingly, the National Congress received the demands and observations submitted by the indigenous organizations at the numerous levels of consultation organized by the special bicameral committee set up for consultations on the amendment.

Paragraph 27 of the concluding observations

157. Perceptions and experiences regarding discrimination against indigenous peoples: cases in the main provinces:

158. The highest levels of perceptions about the extent of discrimination against indigenous peoples are in the provinces of Salta, Chaco, Chubut and Neuquén, while the highest levels of recognition of membership of an indigenous people are found in Chubut, Formosa, Neuquén, Río Negro and Jujuy. The highest levels of discrimination suffered by persons belonging to or descended from indigenous peoples are in Chubut, Formosa, Río Negro and Jujuy.

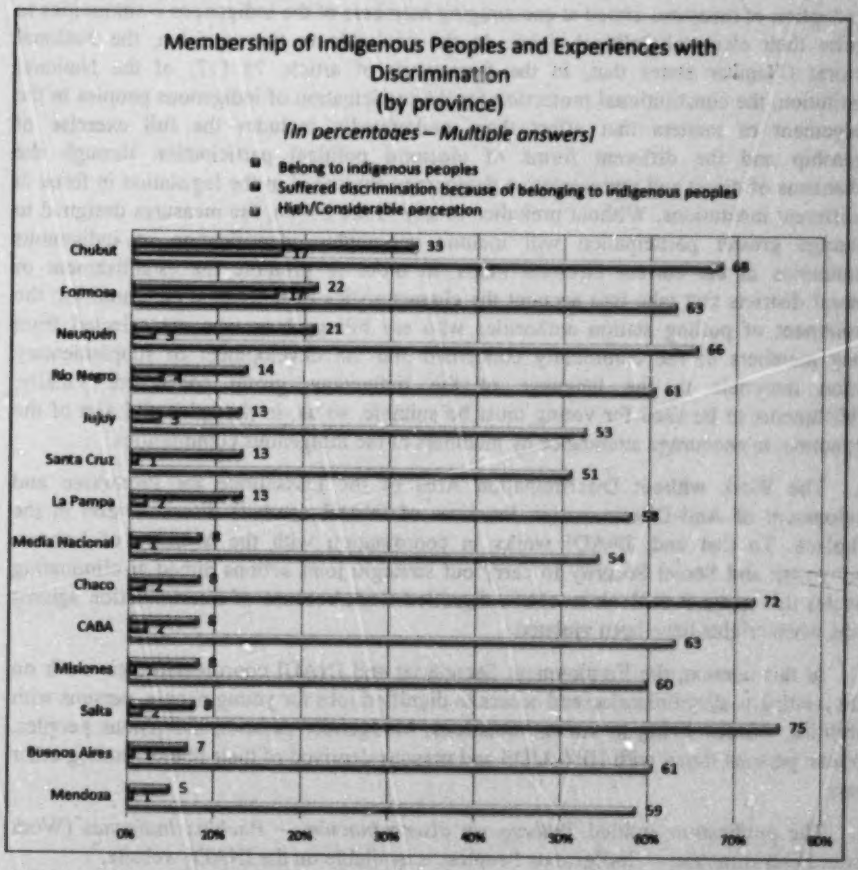

Figure 9.23 — INADI Database 2013 — All respondents and population belonging to or descended from indigenous peoples

159. The figure shows different relationships between the largest indigenous population and the highest levels of discrimination suffered because of belonging to indigenous peoples. In other words, the provinces with the largest indigenous population also have the highest levels of discrimination.

160. The provinces of Salta and Chaco had the highest percentage values for responses to the question about their perception of the extent of discrimination against indigenous peoples.

161. With respect to perceptions, there was no direct relation between belonging to an indigenous community and experiencing discrimination, as observed in the cases of Chaco, Salta and the City of Buenos Aires.[5] In Chaco Province, the perception of the extent of discrimination against indigenous peoples was ranked third, after the perception regarding poor people or obese/overweight people. At the national level, on the other hand, the perception of discrimination against indigenous peoples ranked eighth among all discriminated groups.[6]

Paragraph 28 of the concluding observations

162. On the matter of political participation by indigenous peoples, the National Electoral Chamber, by Decision No. 54/2013, adopted the Programme on Promotion of Electoral Political Participation of Indigenous Peoples, which provides for the evaluation, proposal and adoption of measures aimed at encouraging members of the indigenous communities to exercise their electoral political rights. In the preamble to that decision, the National Electoral Chamber states that, in the framework of article 75 (17) of the National Constitution, the constitutional protection for the participation of indigenous peoples in the management of matters that affect them undoubtedly includes the full exercise of citizenship and the different forms of electoral political participation through the mechanisms of direct and representative democracy envisaged in the legislation in force in the different institutions. Without prejudice to any future action, the measures designed to encourage greater participation will include geographic identification of indigenous communities in the current electoral maps, in order to promote the establishment of electoral districts that take into account the characteristics of individual communities; the appointment of polling station authorities who are bilingual or who are selected from among members of the community concerned and the development of supplementary election materials in the language of the indigenous group concerned. Finally, establishments to be used for voting must be suitable, so as, in the spirit and aim of the Programme, to encourage attendance by members of the indigenous communities.

163. The Work without Discrimination Area of the Directorate for Promotion and Development of Anti-Discrimination Practices of INADI combats discrimination in the workplace. To that end, INADI works in coordination with the Ministry of Labour, Employment and Social Security to carry out strategic joint actions aimed at eliminating obstacles that make it difficult to obtain dignified work because of discrimination against groups whose rights have been violated.

164. In this context, the Employment Secretariat and INADI coordinated their work on issues relating to discrimination and access to dignified jobs for young people, persons with disabilities, women living in violent situations, transgender persons, indigenous peoples, migrants, persons living with HIV-AIDS and persons deprived of their liberty, among other groups.

165. The publication entitled *Trabajo sin discriminación — Pueblos Indígenas* (Work without Discrimination — Indigenous Peoples) is available on the INADI website.[7]

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[5] According to the 2010 Census, 955,032 persons were descended from indigenous peoples, i.e., 2.38 per cent of the total population of Argentina.

[6] See Figure 1.7, on Perception of levels of discrimination against major groups or persons.

[7] http://inadi.gob.ar/promocion-y-desarrollo/publicaciones/publicacion-pueblos-indigenas/.

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166. Measures taken to ensure effective protection include the following:

- Direct assistance is provided (in cases of weather and/or social emergencies) in coordination with the referral centres of the Ministry of Social Development in each province;
- Right to identity: operations are organized to provide national identity documents in the provinces of Salta and Misiones, and the necessary support is provided to resolve documentation problems throughout the country. This is done in coordination with the *Ahí* Plan (We Are There Plan) carried out by the National Registry of Persons;[8]
- Names: through the efforts of civil registries throughout the country, a group's culture is recognized through the names that families choose for their children;
- Universal Allowance per child: in conjunction with the National Social Security Administration, every effort is made to ensure access to this right for the communities;
- Right to retirement benefits: works with the National Social Security Administration to locate indigenous persons who lack social protection and channel the demand through the retirement system or the system of non-contributory pensions, as the case may be. In addition, a sustained effort is made to ensure full coverage;
- Health: participation in the Salta Health Board. In the rest of the country: coordination with provincial referral centres for different programmes in order to provide a response to requests that are received and/or detected in the territory;
- Employment: requests for employment are referred to Rapid Documentation Centres in the provinces, which then coordinate with provincial and municipal governments to provide a response;
- Housing: requests for housing and renovations in dwellings are referred to the Rapid Documentation Centres in the provinces, which then coordinate with infrastructure and housing agencies in the provinces in order to respond to the request;
- Communications media: the right to communication with identity, pursuant to Act No. 26,522, gives indigenous peoples access to ownership, administration and operation of communications media and new technologies;
- Bilingual indigenous FM and AM radio stations and VHF/BLU communication equipment are set up in indigenous communities;
- Workshops and targeted training activities on radio management, equipment maintenance, content production and sustainability of broadcast stations are carried out;
- Broadcast stations are monitored in order to determine their impact, identify obstacles and provide support in developing and sustaining communications projects.

167. With regard to the points mentioned by the Committee, INADI is carrying out the following actions to combat racial discrimination:

[8] http://www.desarrollosocial.gob.ar/planahi.

Buenos Aires

168. The INADI delegation worked in coordination with primary school No. 94 in Santa Catalina (*partido* of Lomas de Zamora) on a project to promote interculturality, bearing in mind that more than half of the students are migrant children and adolescents from Bolivia, Peru and Paraguay.

169. INADI participated in the provincial round table on intercultural education, the main purpose of which was to ensure compliance with the law on intercultural education regarding the rights of indigenous peoples in connection with article 44 of Buenos Aires Province Education Act (No. 13,688) and called for the reopening of the Directorate for Interculturality in Buenos Aires Province. The aforementioned law was also established in the National Education Act and the Constitution of Buenos Aires Province. Participants in the activity were: members of indigenous peoples of the province (Junín, Los Toldos, Olavarría, Azul, Bahía Blanca, Rauch, Bolívar, Florencio Varela, City of Buenos Aires, Tandil and others), the Chief Public Defender's Office of Azul, the School of Social Sciences of the National University of the Centre of Buenos Aires Province.

170. The delegation participated in discussions on Act No. 26,160 regarding historical reparation of indigenous peoples in regard to possession and ownership of their lands, in Almirante Brown, together with INAI and municipal authorities of Almirante Brown.

171. The INADI delegation gave a talk to raise awareness about migrants and indigenous peoples, for teachers in all the province, convened by the Municipal Council of Education of the city of La Plata.

172. The INADI delegation, the National University of Lanús and the Piñeyro de Lanús Museum organized the inauguration of an exhibition of paintings by Cecilia Jeric which included a talk entitled *Lo Negro y lo Bello* (The Black and the Beautiful). The activity was held in the museum.

173. The delegation participated in a seminar on music therapy, persons of African descent and indigenous peoples at the School of Psychology in the city of La Plata.

174. The provincial delegation conducted a workshop on discrimination and migrants at secondary school No. 125 in the city of La Plata, as part of an intervention requested by the school.

Catamarca

175. 14/02: Advice to migrants and rural workers. The delegation provided advice and assistance to the National Registry of Agrarian Workers and Employers in connection with the processing of agrarian workers' identity cards (*libreta de trabajador agrario*) for more than 100 rural workers. This was done in coordination with the Directorate for Employment and Economic Development of Valle Viejo. Advice on Act No. 25,871, on Migration, was also provided to those concerned, especially migrant communities, literature on the subject, specifically a document entitled *Migrantes y Discriminación* (Migrants and Discrimination), was also distributed.

176. Around 100 workers, most of them young, came to ask questions about working during the harvest, and farm managers in the area also came to the Employment Office to seek temporary workers and receive orientation from the National Registry of Agrarian Workers and Employers regarding compliance with Act No. 26,727, on Agrarian Work.

177. 20 and 21/03: Activity in observance of International Day for the Elimination of Racial Discrimination. A radio microprogramme was broadcast on FM Capital to disseminate information about the meaning of the date and about racial discrimination in

the province. Several communities were invited, in particular, the Bolivian and Jewish centres.

178. 22/04: Promotional activity. Delivery of materials and a workshop to raise awareness about interculturality in school No. 77, Catamarca.

179. 6/09: Activity focusing on migratory policies. Attended by the Under-Secretary for Institutional Affairs of the province, the Director of the Civil Registry, representatives of the National Registry of Agrarian Workers and Employers and the Director of Human Rights for the province, as well as representatives of the Bolivian, Chilean and Peruvian communities. The purpose of the activity was to coordinate with different public agencies so as to carry out joint intervention strategies aimed at raising awareness of discriminatory practices to which migrants are exposed in the province. Documents were handed out, and advice was provided to individual migrants.

180. 19/09: Immigrant Day activities. The INADI delegation organized a number of activities in conjunction with the regional delegation of the National Migration Directorate, headed by Erica Davil. The Rapid Documentation Centre provided services to the public, including processing and verification of documents, delivery of certificates and offering advice regarding discrimination and xenophobia.

181. A press conference was held with the participation of the Director of Human Rights for the province, the regional delegation of the National Migration Directorate, the Civil Registry for the province, the provincial Directorate for Women, the National Registry of Agrarian Workers and Employers and INADI. An overview was presented of immigration in the country as a whole and specifically in the province, and the Migration Act was disseminated. The Under-Secretary for Institutional Affairs provided handed provisional residence certificates to foreign residents.

Chaco

182. 21/03: Observance of International Day for the Elimination of Racial Discrimination.

183. The activity was held in the meeting room of the Chamber of Deputies of Chaco Province. The INADI delegation for Chaco and the Human Rights Commission of the provincial Chamber of Deputies organized a panel discussion on Racism as a Basis for Discrimination. Ethnocide and Genocide in Chaco. Analysis of Public Policies. The panellists were Mariel Gersel, Chairwoman of the Human Rights Commission of the Chamber of Deputies; Darío Gómez, INADI delegate for Chaco; Elizabeth Mendoza, Under-Secretary for Interculturality and Plurilingualism, and Juan Chico, Chairman of the Coordinating Committee on Indigenous Audiovisual Communications and Head of the Indigenous Cinema Department of the Directorate for Cinema and Audiovisual Productions.

184. 3/04: Racism as a basis for discrimination.

185. The Human Rights Commission of the Chamber of Deputies of Chaco and the local delegation of INADI organized a panel discussion on Racism as a Basis for Discrimination. Ethnocide and Genocide in Chaco. Analysis of Public Policies.

186. The activity was carried out in the context of International Day for the Elimination of Racial Discrimination, which is observed on 21 March. The event was declared of legislative interest by decision 381, adopted unanimously by the Chamber of Deputies of Chaco.

187. The panellists were Mariel Gersel, Chairwoman of the Human Rights Commission of the Chamber of Deputies; Darío Edgardo Gómez, INADI delegate for Chaco; Elizabeth

Mendoza, Under-Secretary for Interculturality and Plurilingualism, and Juan Chico, Chairman of the Coordinating Committee on Indigenous Audiovisual Communications and Head of the Indigenous Cinema Department of the Directorate for Cinema and Audiovisual Productions.

188. Also present at the activity were provincial legislators Ricardo Sánchez, Sergio Vallejos, Egidio García and deputy Mirta Morel; Jorge Canteros, Counsel General of the province; José Luis Valenzuela, Secretary of Human Rights; Miguel Ávila, Under-Secretary for Protection of Human Rights; Julio García, Director for the Defence of Democracy and Citizens of Chaco; Clarisse Pasmanter, City Councillor of Resistencia, among other officials.

189. 19 and 20/04: Congress on Indigenous Constitutional Law.

190. The Chaco delegation of INADI participated in the First International Congress on Indigenous Constitutional Law, which was held on 19 and 20 April in Resistencia. The event was organized by the government of Chaco, the Superior Court of Justice of the province, the National University of the North-East and the Constitutional Law Association of Argentina.

191. Economic, social and cultural rights of the indigenous peoples, their ethnic and cultural pre-existence, access to justice and the relationship between the environment and human rights were some of the topics discussed by specialists from Argentina, Bolivia, Chile and Paraguay. The closing statement was given by historian Felipe Pigna.

192. The local INADI delegation set up a promotional stand which was visited by many of the attendees during the two days of the Congress. Law students, members of indigenous people groups, teachers and researchers from different parts of Argentina and neighbouring countries showed interest in the informational materials provided and the work carried out by INADI to promote a plural and inclusive society.

193. Also participating in the Congress were indigenous students from the Juan José Castelli campus of the Law School of the National University of the North-East. The campus is located some 300 kilometres north-east of the provincial capital.

194. 14 and 15/05: Meeting of indigenous parliamentarians.

195. The INADI delegation in Chaco participated in the First Meeting of Indigenous Parliamentarians of Gran Chaco, held on 14 and 15 May in Resistencia. The meeting was also attended by representatives of indigenous communities in northern Argentina, Bolivia, Brazil and Paraguay.

196. The theme of the activity, which was promoted by deputy Egidio García, Chairman of the Indigenous Peoples Commission of the Chaco Legislature, was "Constructing the Indigenous Movement in the Twenty-first Century". The meeting was held in observance of the twenty-fifth anniversary of the adoption of Act No. 3258, on the Aborigines of Chaco.

197. The opening meeting, which was held at Casa de las Culturas, was attended by a large number of indigenous representatives, as well as legislators and authorities of the region. Elizabeth Mendoza, Under-Secretary for Intercultural and Plurilingual Affairs of Chaco; Deputy Egidio García; Deputy Leonardo Yulán, Vice-Chairman of the Indigenous Peoples Commission of the Legislature; Filemón Suárez Ramón, member of the Assembly of Santa Cruz, Bolivia; and Darío Edgardo Gómez, provincial delegate of INADI, also spoke at the meeting.

198. Public policies on indigenous peoples were discussed and reviewed in the context of ILO Convention No. 169 and international norms currently in force. In addition, a programme of action on protection of indigenous rights was drafted.

199. Proposals were presented on subjects such as training on the new indigenous rights legislation and strengthening of literacy and bilingual education. Workshops were held on issues relating to indigenous legislation, citizen participation, territory and evaluation of national Act No. 26,160, on Emergency Measures relating to Possession and Ownership of Land for Indigenous Communities; the environment, natural resources, health, education, culture and the indigenous economy.

200. 29 and 31/05: Argentine Congress on Culture, focusing on Policies for Local and Regional Development in the New Millennium. Towards Cultural Sovereignty for the Homeland. The event was organized by the national Secretariat of Culture, the Cultural Institute of Chaco, the Federal Investment Council and the Federal Cultural Council.

201. 13 and 14/06: The Regional Seminar on Progress and Challenges on the Path to Equality: Education as a sphere of inclusion and non-discrimination in the north-eastern region was held in Resistencia. The purpose was to address the issue of education without distinctions, including a paradigm shift, bearing in mind the diversity of identities, needs and capacities of individuals, and appreciation for differences as a means of enriching teaching and learning. In that regard, inclusive education is viewed as a key tool for promoting cultural change and transmitting values, both in the educational system and in the community at large.

202. Three panel discussions were organized. The first panel, on school accessibility, public education and social inclusion, included Sergio Soto, Minister of Education, Culture, Science and Technology of Chaco Province; Luis Jacobo, Minister of Culture and Education of Misiones Province; Martín Romano, Rector of the National University of Formosa, and the INADI delegate in Chaco.

203. The second panel, on school bullying from the territorial perspective, was comprised of Gustavo Galli, Coordinator for Democratic Inclusion in the schools of the national Ministry of Education; Dante Genesini, Under-Secretary for Education of Misiones Province, and Alejandro López, Director of the Licentiate Programme in Psychology of the University of Cuenca del Plata. The INADI delegate in Misiones serves as moderator.

204. Participants in the final panel, on education, gender and diversity: Comprehensive sex education, were Mirta Marina, Head of the Comprehensive Sex Education Programme of the national Ministry of Education; María Sylvina Arauz, Under-Secretary for Human Rights of Formosa Province; and Marcos Zeniquel, Coordinator of the Comprehensive Sex Education Programme of Chaco Province.

205. 31/07: Second International Congress on Languages and Identity Dynamics, organized by the Office of the Under-Secretary for Interculturality and Plurilingualism of the Ministry of Education of Chaco.

206. Darío Edgardo Gómez, INADI delegate in Chaco, French researcher Azouz Begag and Hugo Wingeyer, Chairman of the civic association Unidos por la Diversidad (United for Diversity), participated in the panel discussion on discrimination and education, which was held during the Second International Congress on Languages and Identity Dynamics: Towards the Second Bicentenary. The activity was held at the Office of the Director for Reading and Literature in Resistencia.

207. 5/11: Academic discussion on the subject of Intercultural education without discrimination at the Rural Education Centre in Paraje Colchón, Guemes department. The activity was organized by the Supervisory Commission of the Rural Education Centre (Instituto del Aborigen Chaqueño, Junta Unida de Misiones, Ministry of Education, Science and Technology and Asociación Comunitaria del Colchón). INADI and the Office of the Under-Secretary for Interculturality and Plurilingualism of the Ministry of Education of Chaco Province also participated.

Chubut

208. 15/02: Presentation of the Provincial Plan for Service to Religious Organizations. Invitation by the provincial government - Participation as assistants. Interculturality.

209. 21/03: Activity in observance of International Day for the Elimination of Racial Discrimination. Discussions on migration and interculturality, in conjunction with the National Migration Directorate and the Municipality of Puerto Madryn.

Córdoba

210. 8/03: Teacher Training on Education, Memory, Racism and School Bullying.

211. 27/03: Day of Memory, Truth and Justice. Presentation and projection of the documentary *Relatos de la Sombra* (Tales from the Shadows), which deals with anti-Semitism during the military rule of the 1970s. Graciela Jinich and Víctor Ramos, producer and director of the film were present, as well as Sara Rus, a Shoah survivor and member of the Grandmothers of Plaza de Mayo.

212. 30/05: *Memorias de Sonia* (Memories of Sonia). Presentation of the book *Memorias de Sonia*, written and presented by Sonia Schulman de Wildfeuer, a survivor of the Shoah. The book tells her story. Judge Daniel Rafecas participated in the event.

213. 29/08: Training in schools on bullying, xenophobia and racism. Training on mobbing, school bullying, xenophobia and racism in the context of the agreement signed in 2008 by the provincial delegation of INADI, the provincial Ministry of Education, the Secretariat for Human Rights, the Córdoba chapter of the Delegation of Argentine Jewish Associations and the Armenian National Council of South America. The training, for teachers and students, was carried out at ARPEBOCH (Argentines Peruvians, Bolivians, Chileans) School.

214. 6/09: Degree course on Memory and Human Rights in opposition to genocide and discrimination, organized jointly by the Córdoba delegation of INADI, the National University of Córdoba, the Córdoba chapter of the Delegation of Argentine Jewish Associations and the Córdoba chapter of the Armenian National Council of South America. The course was supported and recognized by the provincial Ministry of Education, which grants to all participating teachers a score on the provincial network of Continuing Education for Teachers.

215. The course, which is designed for graduates of the National University of Córdoba, teachers working under the provincial Ministry of Education and the general public, aims to encourage reflection and discussion about the consequences to humanity of repeated violations of human rights and failed constructions of otherness which characterize the different instances of genocide throughout modern history. The course takes a critical and responsible look at the Holocaust, the Armenian genocide, the extermination of indigenous peoples in America, of persons of African descent and the State terrorism perpetrated by the civilian-military dictatorship in Argentina between 1976 and 1983.

Entre Ríos

216. 18/07: Participation in the commemoration of the attack on the Asociación Mutual Israelita Argentina (AMIA).

217. 30/07: Participation in the ceremony to make amends for the anti-Semitic paintings on the Villa Clara synagogue.

218. 11/10: Participation in the activity organized by the Municipal Directorate for Community Groups at the Book Fair in Paraná, in defence of the rights of indigenous women.

Jujuy

219. 21/03: Activity in observance of International Day for the Elimination of Racial Discrimination. Working meeting to plan areas for inter-agency work with representatives of the consulates of Bolivia and Chile and representatives of the Jewish, Muslim and Italian communities.

La Rioja

220. 04/09: Symposium on Latin American Integration, organized by the delegation of INADI in La Rioja, the Secretariat for University Extension of the National University of La Rioja, the provincial Secretariat for Women and the provincial Secretariat for Human Rights. The activity focused on the progress achieved as a result of the adoption of Act No. 25,178; in addition to the new domestic legislation, the migration policy promoted by the State over the last few years included ratification, at the international level, of the MERCOSUR Residency Agreement and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

221. The activity was aimed at encouraging the participation of foreign students at the National University of La Rioja; members of the Association of Community groups from Bolivia, Ireland, Italy and Uruguay; the Lebanese Syrian Society; the Peru Association and migrants living in the province.

222. 9/09: Celebration of National Immigrant Day.

223. The INADI delegation, the National Migration Directorate and the Asociación Riojana de Colectividades organized activities in observance of National Immigrant Day. Participants included representatives of the Vice Consulate of Italy, of Chinese residents in La Rioja and of the Chilean, Syrian-Lebanese, Colombian, Bolivian, Peruvian, Paraguayan, Mexican, Uruguayan and Polish communities. The national Minister of Labour was also present.

224. The discussions centred on policies aimed at addressing the issue of racism and discrimination and eliminating practices based on ethnicity and race.

225. 19/09: The INADI delegation in La Rioja met with the local representative of the National Registry of Agrarian Workers and Employers to coordinate joint efforts to deal with the problems of migrant workers. INADI made available its tools for direct services to persons suffering discrimination and for intervening in cases of discrimination against migrants.

226. 12/10: Joint activity in observance of Respect for Cultural Diversity Day. A programme was carried out in conjunction with the Asociación Riojana de Colectividades at a school in the provincial capital. The purpose was to discuss the occasion with children, adolescents, teachers and administrators with the aim of understanding its significance as a day of historic reflection and intercultural dialogue, going beyond commemoration of the conquest of the Americas. This made it possible to appreciate the immense variety of cultures that indigenous peoples and persons of African descent have contributed and are contributing to the construction of our identity.

Mendoza

227. 8/6: Talk on Migrants and Discrimination, Casa del Migrante, Guaymallén.

228. The INADI delegation in Mendoza Province was invited to speak in the context of a project carried out with students and teachers of the National University of Cuyo and the team of organizers.

229. Talks to provide information and raise awareness on the subject of migrants and racism in different schools at all educational levels. The talks were given in the departments of Las Heras, Guaymallén and Lavalle, which have large migrant populations from bordering countries and where cases of racial discrimination occur frequently, as follows:

- 08/05 La Libertad secondary-level education centre. Adult education, Guaymallén;
- 14/05 Las Heras primary school. Mural painting in primary school following the appearance of xenophobic and racist graffiti near the establishment. This activity was carried out in conjunction with the municipal human rights authorities;
- 20/05 Lavalle primary school. Talk for beginner- and primary-level teachers;
- 24/08 Awareness-raising activity for children in Barrio Capilla del Rosario, Guaymallén;
- 18/09 Primary school, Borbollón, Las Heras.

230. Activities with the theme *El Estado al Barrio* (The State to the Neighbourhood). Advice to communities in different neighbourhoods, with national agencies (National Social Security Administration, Centre for Access to Justice and the delegation of the National Migration Directorate, among others):

- 04/05 and 31/08 Luján de Cuyo;
- 27/04 Las Heras.

231. Owing to the composition of the population in some departments, such as Luján de Cuyo and Las Heras, there is a greater need for advice to migrants than on other subjects. INADI materials on the rights of migrants were distributed, and advice was offered, in conjunction with agencies concerned with the issue.

Misiones

12/10: Symposium on Interculturality in observance of the Day of American Cultural Diversity.

232. Organized by INADI in conjunction with the provincial Ministry of Education, the provincial Ministry of Human Rights, the municipality of Puerto Iguazú and the Fortín Mbororé aboriginal community. The activity was held in the Fortín Mbororé community of the city of Puerto Iguazú.

233. The purpose was to learn about and discuss the different cultures in the region so as to enable them to effectively interact and promote the social integration of the different cultures, as well as intercultural dialogue and mutual enrichment.

Neuquén

234. 30/09 Workshop on the Mapuche language and culture.

235. The workshop consisted of five sessions. It was led by women representing the Mapuche Confederation: Peti Pichiñan, an authority on the philosophy of the organization, and Ailin Piren, Mapuche communicator.

Río Negro

236. 06/09: Meeting with Latin American community groups from Bariloche, in observance of Immigrant Day.

237. The meeting, which was held at the INADI office in Bariloche, was attended by representatives of the Paraguayan, Chilean, Bolivian and Uruguayan communities. The

purpose was to share their day-to-day experiences as migrants, bearing in mind that the Latin American communities are most often the targets of discrimination. INADI plans a number of activities designed to reverse the situation. It was noted that the provincial law is contrary to the national migration law, given that foreigners are not allowed to teach, a situation that has led to lawsuits being brought.

238. INADI in Río Negro has dealt with a considerable number of queries on labour issues, especially from Bolivian immigrants working in brickmaking and agricultural and commercial activities in Viedma and Alto Valle, who have lodged complaints of discrimination.

239. Training for admissions personnel, at the request of the Sindicato Único de Trabajadores de Control de Admisión y Permanencia de la República Argentina, held in the cities of Cipolletti and Bariloche, with specific reference to Act No. 26,370, on respect for interculturality and non-discrimination.

Salta

240. 21/03: Workshop to raise awareness about migrants and discrimination and projection of the video entitled *De aquí y de allá* ("From here and there") with students of the INTI 8046 school.

241. 15 and 16/05: Regional Seminar on Racism and Xenophobia.

242. The regional seminar was held in the context of a series of events touring the country with the aim of federalizing the management of INADI.

243. The policies on interculturality, interfaith issues and education for prevention, sensitization and elimination of racism and xenophobia are some of the fundamental objectives of this Government. The event will address those policies that have been implemented and the challenges remaining in this area.

244. Specialists from the national and provincial spheres made presentations at the seminar, and participants shared their experiences and visions, with a view to drawing up proposals on specific aspects of the issue, so as to strengthen the role of INADI in the region.

San Juan

245. 06/ and 07/13: Holocaust-Shoah Workshop and Exhibit at Sociedad Israelita de Beneficencia, for secondary schools.

246. 08/13: Mutual cooperation agreement between INADI and Sociedad Israelita de Beneficencia San Juan-DAIA, attended by Pedro Mouratian, government-appointed Overseer of INADI.

247. 09/13: Awareness-raising workshop and delivery of teaching and training materials to the Syrian and Lebanese community. The activity, which was open to the public and well-attended by that community, was carried out at the Syrian-Lebanese Society.

Chilean residents

248. Work with the Chilean community in San Juan is focused on two areas:

(a) ICACHI: the Chilean-Argentine Cultural Institute. In September 2012, a workshop on prevention of discriminatory practices was carried out in the department of Rivadavia;

(b) The Chilean Residents' House in San Juan: Materials on migration are provided to this organization, which is sponsored by the Government of Chile.

Bolivian residents

249. A meeting with the board of directors of the Bolivian community was held at the Bolivian Residents' Centre in San Juan. The provincial authorities of INADI were invited to participate in the celebration in honour of Our Lady of Copacabana.

Cacique Talquenca Group

250. Members of this population live in the departments of 25 de Mayo and Sarmiento, on the border with Mendoza. They are descendants of the Huarpes people who still live on land that was once the lakes of Huanacache. Representatives of INADI met with the Talquenca community, which was affected by the loss of land.

251. An effort was made to promote the inclusion of indigenous children in the public school of the area throughout the year.

San Luis

252. 06/08/13 Observance of the 188th anniversary of the independence of the Plurinational State of Bolivia.

253. 08/08/13 First International Symposium on Crimes against Humanity and the Holocaust: History, Memory, Truth and Justice from the Latin American Perspective.

254. On 8, 9 and 10 August, to celebrate the tenth anniversary of the academic work of the course on problems of discrimination, genocide and holocaust in contemporary history, the First International Symposium on Crimes against Humanity and the Holocaust: History, Memory, Truth and Justice from the Latin American Perspective was held at the School of Human Sciences of the National University of San Luis.

255. One of the main objectives of the Symposium was for the first time to bring together, in the interior of the country, university professors and researchers from Argentina and Latin American countries who teach, from the perspective of different disciplines, on the issues of genocide, Holocaust, crimes against humanity and human rights violations perpetrated in the twentieth century, from the global and the Latin American perspective.

256. 07/09/13 Seminar on Migrants, Rights and Inclusive Public Policies. Speakers at the panel discussions were Érica Márquez, provincial delegate of INADI; Florencia Masotti, provincial delegate of the National Migration Directorate; Ana María Garraza, Director of Human Rights of the Municipality of the City of San Luis, and Gabriel Amadeo Videla, provincial delegate of the Federal Audiovisual Communications Authority. The subjects discussed were Inclusive public policies, Advances and challenges; Migration law and human rights, and the Audiovisual Communication Services Act and community access.

257. Activities such as these are aimed at raising awareness about the different rights that are protected by law. The idea is that migrants should always be viewed as contributing to society as a whole and never as a burden or an obstacle to social wellbeing.

258. 12/10/13 At the Paseo del Padre Amphitheatre. Observance of Respect for Cultural Diversity Day. Meeting and discussion on participation of the Spanish, Italian, Slovenian, Chilean, Bolivian, Peruvian, Cuban, Colombian and Brazilian communities.

259. 07/09 First Seminar-Workshop on Migrants, Rights and Inclusive Public Policies.

260. This activity addressed migration issues in the region with a view to developing programmes for eliminating discriminatory practices. The President of Asociación Boliviana de Solidaridad Urkupiña and the Director of Institutional Relations of the Municipality of the City of San Luis were in attendance.

Santa Cruz

261. 08 and 09/11: Seminar on Indigenous Rights, organized in conjunction with the Office of the Under-Secretary for Cultural Affairs of Santa Cruz Province, the Provincial Education Council, the National University of Southern Patagonia and the Directorate for Indigenous Affairs of the Municipality of Puerto Santa Cruz.

262. Invitations were extended to the Chamber of Deputies of Santa Cruz Province, the Provincial Agrarian Council, the judiciary of Santa Cruz, the provincial municipalities and non-governmental organizations concerned with issues of indigenous peoples.

263. The purpose of the seminar was to raise awareness about the issue among public officials and society at large, to promote and strengthen the participation of indigenous peoples in internal decision-making processes on matters of interest and to train representatives of indigenous peoples on legal issues so as to enable them to fully exercise their rights.

Santa Fe

264. 13/09: Granting of FM licence to indigenous peoples of Colonia Dolores. This was the first FM radio licence granted to indigenous peoples in the north-central region of the province, pursuant to Act No. 26,522, on Audiovisual Communication Services.

265. To date, this is the first communications medium in Colonia Dolores, the first licence granted under the new management of the Federal Audiovisual Communications Authority and the second to an indigenous people in the entire province of Santa Fe.

266. In 1994, the *comuna* of Colonia Dolores was created in the department of San Justo. It became the first Mocoví indigenous municipality in the province of Santa Fe. It currently has a population of over 600 inhabitants; 90 per cent of the population belongs, directly or indirectly, to this indigenous community.

Santiago del Estero

267. 02 and 07/09: Working meeting organized by the National Registry of Agrarian Workers and Employers. The delegation of INADI in the province and the Ministry of Labour, Employment and Social Security of the Nation were represented at the activity.

268. The activity included actions to guarantee the rights of agrarian workers from the beginning and generate policies for protection, support and direct orientation of migrant workers at all stages of their travel. The meeting was attended by 10,000 rural workers and their families.

269. In addition to the work done by the National Registry of Agrarian Workers and Employers (registration, benefits, monitoring, training), other agencies also participated actively.

270. The INADI delegation provided informational and promotional materials, offered training, organized talks on empowerment to enable the people to exercise their rights, and offered advice.

Tucumán

271. 21/03: Activity in observance of International Day for the Elimination of Racial Discrimination. The INADI delegation in Tucumán observed the day in the city of Monteros, in conjunction with the city government. Also in Monteros, INADI took action in response to complaints of discrimination lodged by the gypsy community which had a considerable impact in the province. The activity was organized jointly with the office of the mayor of Alberto Olea and with the participation of national deputy María Carmen

Carrillo. The activity was also attended by church authorities and representatives of the Paraguayan, Bolivian, Arab and Jewish communities.

272. 09/08: International Day of the World's Indigenous Peoples.

273. The Tucumán delegation participated in the event carried out by the Office of the Ombudsman in observance of International Day of the World's Indigenous Peoples.

274. The activity was also attended by Hugo Cabral, the Ombudsman; Daniel Posse, member of the Supreme Court of Justice in the province; José Ramos, representative of INAI; Santiago Mamani, indigenous representative of Unión Diaguita; and Fernando Robeta, Ph.D. specialist in anthropology.

275. The communities of El Tolombom, Tafi del Valle, Quilmes, Llampa, El Mollar, La Angostura, Potrero Rodeo Grande, Chuschagasta and the Council on Indigenous Participation were also in attendance.

276. 12/09: Talk to raise awareness in the context of the symposium on bilingual intercultural education. The activity was coordinated with the Directorate for Psychopedagogical Technical Assistance, in particular, the Intercultural Education Area of the provincial Ministry of Education.

277. 19/09: Meeting of indigenous youth on Identity and Intercultural Education, in El Mollar, department of Tafi del Valle.

278. The activity was organized jointly with the provincial Ministry of Education. The Tucumán delegation of INAI and the Office of the Ombudsman of Tucumán were also present, as well as social and community facilitators from the provincial Office of the Under-Secretary for Sports.

279. The purpose of the activity was to inform indigenous adolescents about bilingual intercultural education and assure them that it is guaranteed by the National Education Act, as well as to help develop intercultural education with the participation of their communities.